

BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Maplewood Park East Preliminary Plat

LUA12-018

RECONSIDERATION DECISION

The Applicant has requested reconsideration of the Hearing Examiner's decision on the above-captioned matter. Reconsideration on all issues is denied, except that the Applicant does not have to "round up" on densities in order to qualify for low width reductions under RMC 4-2-110(D).

By order dated November 28, 2012, the Examiner authorized consideration of a reconsideration request filed by the Applicant on November 21, 2012. The Order required distribution of the reconsideration request to parties of record, with responses due 12/7/12 and a reply from the Applicant due 12/12/12. A response was received from the City of Renton and from Shara and Robert D Hagerman by the December 7, 2012 deadline. A reply from the Applicant was received on December 12, 2012.

The Applicant's requests for reconsideration will be addressed in the order presented:

1. Street Modification. Reconsideration denied. The Applicant justifies its request for a street modification on the basis that it would reduce pavement width, maximize lot count and to provide for a shared pedestrian and vehicular facility. None of these reasons satisfy the requirements of a modification waiver under RMC 4-7-210, which limits waivers to circumstances where required improvements are necessary due to critical areas, steep topography, negative impacts to surrounding properties or lack of similar improvements in the vicinity. The reasons put forth by the Applicant for the waiver could be applied to any subdivision proposal and are not attributable to any unique features of the proposal.

- 1
- 2 2. Primary Entry. Reconsideration denied. As noted in the Examiner's original decision on
- 3 this application, the orientation of homes is an issue best left to building permit review
- 4 where it is traditionally addressed. The Applicant raises a valid concern over having to
- 5 orient its southern homes towards NE 2nd Street, which would potentially mean that the
- 6 homes along the northern part of the project will have to face the back homes of the southern
- 7 homes across an alley. Staff will be in a much better position than the Examiner with
- 8 specific home design proposals in front of them to engage in the give and take necessary to
- 9 address the orientation requirements of the code and the impacts to homes along the northern
- 10 part of the proposal. Further, the record is still devoid of any information on how the
- 11 orientation requirements have been applied in the past. At hearing, Ms. Dolbee's
- 12 interpretation of the orientation requirements appeared to have been issued "off the cuff" due
- 13 to the exigencies of the moment. A more thorough staff evaluation of the criteria along with
- 14 some history on prior interpretation would be helpful in issuing an Examiner ruling on the
- 15 issue.

16

17 The notice requirement was imposed in order to provide an opportunity for neighbors to

18 challenge the staff interpretation of the orientation requirements. Although notice is not

19 typically associated with building permit review, the courts have found notice to be a fair

20 requirement when a member of the public has expressed interest in and may be prejudiced

21 by a related future administrative decision during a discretionary permit review. *Cf. Knight*

22 *v. City of Yelm*, 173 Wash.2d 325 (2011).

- 23
- 24 3. Lot Width. Reconsideration approved. RMC 4-2-110(D) shall be construed as authorizing
- 25 lot width waivers to the extent necessary to reach a minimum density of four units per acre,
- 26 without rounding up.

1 The Applicant is apparently arguing that rounding up of a density of 3.5 dwelling units per

2 acre is not appropriate for RMC 4-2-110(D), which allows lot width to be reduced "...when,

3 *due to lot configuration or access, four (4) dwelling units per net acre cannot be*

4 *achieved...*" Condition 8 of the final decision on this application did require rounding up of

5 densities exceeding 3.50 dwelling units per acre pursuant to the RMC 4-11-040 definition of

6 net density. The net density definition computes net density by subtracting streets, right of

7 way, easements and critical areas from the acreage of a development. This appears to be the

8 same exercise in computing net acreage. Although the definition of net density arguably

9 may not apply to computing net acreage, the code is otherwise silent on whether or not to

10 round up on net acreage computations. RMC 4-2-110(D) appears to be based upon Growth

11 Management Act administrative decisions, which provide that densities of at least four units

12 per acre are desirable in urban areas in order to maximize the efficient use of infrastructure.

13 Given this policy basis, it would appear that the liberal application of the lot waiver

14 requirement, i.e. maximizing density by not rounding up, would be appropriate.

- 1 4. Alley Access. Reconsideration denied. Staff have apparently recommended alley access to
2 be added to the plat design if Road B is moved to the northern perimeter of the plat. The
3 Examiner's comments on alley access in his original decision on this application was
4 addressing the desirability of using Road B as an alley in its currently proposed
5 configuration as opposed to moving Road B to the northern perimeter of the plat. The
6 Examiner was not addressing alley access in addition to moving Road B to the northern
7 perimeter of the plat. The latter plat design was not presented to or considered by the
8 Examiner. Nothing in the original decision addresses whether alley access is appropriate or
9 required if Road B is moved to the northern perimeter of the plat. The Examiner also does
10 not have jurisdiction to provide on-going comment and opinion on design revisions for the
11 plat.

12
13
14
15 DATED this 2nd day of January, 2013.

16
17
18
19
20
21
22
23
24
25
26

Phil A. Olbrechts
City of Renton Hearing Examiner

Appeal Right and Valuation Notices

16 RMC 4-8-110(E)(9) provides that the final decision of the hearing examiner is subject to appeal to
17 the Renton City Council. RMC 4-8-110(E)(9) requires appeals of the hearing examiner's decision
18 to be filed within fourteen (14) calendar days from the date of the hearing examiner's decision. A
19 request for reconsideration to the hearing e examiner may also be filed within this 14 day appeal
20 period as identified in RMC 4-8-110(E)(8) and RMC 4-8-100(G)(4). A new fourteen (14) day
21 appeal period shall commence upon the issuance of the reconsideration. Additional information
22 regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall – 7th
23 floor, (425) 430-6510.

24 Affected property owners may request a change in valuation for property tax purposes
25 notwithstanding any program of revaluation.
26